

Appl. No. : 10/041,714
Filed : January 8, 2002

REMARKS

The February 14, 2007 Office Action was based on pending 1-29 and 38. This amendment amends Claims 1, 4, 7, 8, 11, and 24. Thus, after entry of this amendment, Claims 1-29 and 38 are pending and presented for further consideration.

The February 14, 2007 Office Action rejected Claims 1-29 and 38. In particular, the Examiner rejected Claim 7 under 35 U.S.C. 101 because the claimed invention is directed to nonstatutory subject matter. Further, the Examiner rejected Claims 1, 2, 4, 5, 7-9, 11-29, and 30 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,890,141 to Carney et al. Further, the Examiner rejected Claims 3, 6, and 10 under 35 U.S.C. 103(a) as being unpatentable over Carney.

In addition, the Examiner found the declaration defective.

DECLARATION

The Examiner found the declaration defective. In response, Applicant submits herewith a new declaration.

REJECTION OF CLAIM 7 UNDER 35 U.S.C. § 101

The Examiner rejected Claim 7 under 35 U.S.C. 101. In response, Applicant has amended Claim 7 to recite, "computer code stored on a computer-readable medium", in place of the first and second instruction modules. Applicant respectfully requests the Examiner to withdraw the rejection of Claim 7 under 35 U.S.C. § 101.

REJECTION OF CLAIMS 1, 2, 4, 5, 7-9, 11-29, AND 30 UNDER 35 U.S.C. § 102(b)

The Examiner rejected Claims 1, 2, 4, 5, 7-9, 11-29, and 30 under 35 U.S.C. 102(b) as being anticipated by Carney.

Claim 1

Carney does not teach replacing the non-numeric separator symbols in the MICR line of a check with replacement symbols. Carney does not produce a substitute check identifier having the same numerical fields of the MICR line separated by the replacement symbols. Carney ignores the separator symbols in the MICR line. Further, Carney does not identify the routing number, the account number, and the check number within the substitute check identifier.

Appl. No. : 10/041,714
Filed : January 8, 2002

Instead, Carney appears to create a check digit using numeric values associated with the payee name, along with the account number, check amount, and check issue date, and does not use the separator symbols in his calculation. See column 4 line 65 through column 5 line 51. The check digit does not contain the information associated with the check but merely represents a numerical value of the check information, where the numerical value of the check information changes if the check is altered.

In contrast, an embodiment creates a substitute check identifier having the same numeric fields as the original MICR check identifier separated by replacement symbols. The replacement symbols replace the separator symbols found in the original MICR check identifier. For example, a customer purchasing an item online using a check may be asked to enter the MICR line of the check using a computer keyboard or a telephone keypad. Since the MICR separator symbols are not typically found on a keyboard or a telephone key pad, replacement symbols replace the separator symbols in the substitute check identifier. Applicant has amended Claim 1 to clarify the relationship between the original check identifier and the substitute check identifier.

Because the reference cited by the Examiner does not disclose, teach or suggest instructing the user to replace the separator symbols of the original check identifier in MICR format with replacement symbols, thereby obtaining a substitute check identifier having the plurality of numeric fields of the original check identifier separated by the replacement symbols, and identifying the routing number field, the account number field and the check number field within the entered substitute check identifier., along with the other recitations of independent Claim 1, Applicant asserts that Claim 1 is not anticipated by Carney. Applicant therefore respectfully submits that Claim 1 is patentably distinguished over the cited reference and Applicant respectfully requests allowance of Claim 1.

Claims 2 and 3

Claim 2, which depends from Claim 1, is believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

Appl. No. : 10/041,714
Filed : January 8, 2002

Claim 4

Although Claim 4 has different language than Claim 1, Claim 4 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

Claim 5

Claim 5, which depends from Claim 4, is believed to be patentable for the same reasons articulated above with respect to Claim 4, and because of the additional features recited therein.

Claim 7

Although Claim 7 has different language than Claim 1, Claim 7 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

Claim 8

Although Claim 8 has different language than Claim 1, Claim 8 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

Claim 9

Claim 9, which depends from Claim 8, is believed to be patentable for the same reasons articulated above with respect to Claim 8, and because of the additional features recited therein.

Claim 11

Although Claim 11 has different language than Claim 1, Claim 11 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

Claims 12-23

Claims 12-23, which depend from Claim 11, are believed to be patentable for the same reasons articulated above with respect to Claim 11 and because of the additional features recited therein.

Appl. No. : 10/041,714
Filed : January 8, 2002

Claim 38

Although Claim 38 has different language than Claim 1, Claim 38 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

REJECTION OF CLAIMS 3, 6, AND 10 UNDER 35 U.S.C. § 103(a)

The Examiner rejected Claims 3, 6, and 10 under 35 U.S.C. 103(a) as being unpatentable over Carney.

Claim 3, which depend from Claim 1; Claim 6, which depends from Claim 4; and Claim 10, which depends from Claim 8, are believed to be patentable for the same reasons articulated above with respect to Claims 1, 4, and 8, respectively, and because of the additional features recited therein.

CONCLUSION

Although amendments and cancellations have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments and cancellations are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Furthermore, any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

Appl. No. : 10/041,714
Filed : January 8, 2002

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 10, 2007

By: Karen J. Lenker
Karen J. Lenker
Registration No. 54,618
Agent of Record
Customer No. 20,995
(949) 760-0404

3700751
042707